

# Exhibit ARC-C

**From:** [Beynon, Rebecca A.](#)  
**To:** ["Debra Wyman"](#)  
**Cc:** [Teresa Holindrake](#); [Robert Rothman](#); [Jessica Shinnefield](#); [Mix, Lisa](#); [Karen Cook](#); [Blair Nicholas](#); [Jonathan Uslaner](#); [David Kaplan](#); [Mark Lebovitch](#); [Lawrence M. Rolnick](#); [Marc B. Kramer](#); [Thomas E. Redburn Jr](#); [Michael J. Hampson](#); [Robert Harwood](#); [Samuel Rosen](#); [Benjamin Sachs-Michaels](#); [Goldsmith, Andrew E.](#); [Oppenheimer, Bradley E.](#); [Fording, Grace A.](#); [Dan Drosman](#); [Figel, Reid M.](#)  
**Subject:** RE: American Realty Capital Properties, Inc. Litigation  
**Date:** Monday, November 07, 2016 11:05:18 AM

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Dear Debra:

Thanks for your email. We wanted to raise one other point. In your November 4, 2016 letter you stated that Plaintiffs believe that "the parties are at an impasse" with respect to Plaintiffs' request that our clients produce "subpoenas or document requests from the regulators," and you write that Plaintiffs "will be going to Judge Hellerstein on this issue." Your correspondence does not correctly characterize what we told you in our call of November 2. Rather, we advised you that we needed to discuss your request with our clients and that we will advise you of their position. We hope to be able to let you know our position later this week. We are continuing to evaluate the other matters addressed in your correspondence.

We reserve all rights with respect to these matters. Please don't hesitate to let us know if you'd like to discuss any of the foregoing.

Best regards,  
Rebecca

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**From:** Debra Wyman [mailto:[DebraW@rgrdlaw.com](mailto:DebraW@rgrdlaw.com)]  
**Sent:** Friday, November 04, 2016 4:18 PM  
**To:** Beynon, Rebecca A. <[rbeynon@khhte.com](mailto:rbeynon@khhte.com)>  
**Cc:** Teresa Holindrake <[tholindrake@rgrdlaw.com](mailto:tholindrake@rgrdlaw.com)>; Robert Rothman <[rrothman@rgrdlaw.com](mailto:rrothman@rgrdlaw.com)>; Jessica Shinnefield <[jshinnefield@rgrdlaw.com](mailto:jshinnefield@rgrdlaw.com)>; Mix, Lisa <[lmix@rgrdlaw.com](mailto:lmix@rgrdlaw.com)>; Karen Cook <[KarenC@rgrdlaw.com](mailto:KarenC@rgrdlaw.com)>; Blair Nicholas <[Blairn@blbglaw.Com](mailto:Blairn@blbglaw.Com)>; Jonathan Uslaner <[Jonathanu@blbglaw.Com](mailto:Jonathanu@blbglaw.Com)>; David Kaplan <[Davidk@blbglaw.Com](mailto:Davidk@blbglaw.Com)>; Mark Lebovitch <[MarkL@blbglaw.com](mailto:MarkL@blbglaw.com)>; Lawrence M. Rolnick <[Lrolnick@lowenstein.Com](mailto:Lrolnick@lowenstein.Com)>; Marc B. Kramer <[mkramer@lowenstein.com](mailto:mkramer@lowenstein.com)>; Thomas E. Redburn Jr <[tredburn@lowenstein.com](mailto:tredburn@lowenstein.com)>; Michael J. Hampson <[Mhampson@lowenstein.Com](mailto:Mhampson@lowenstein.Com)>; Robert Harwood <[Rharwood@hfsq.Com](mailto:Rharwood@hfsq.Com)>; Samuel Rosen <[srosen@hfsq.Com](mailto:srosen@hfsq.Com)>; Benjamin Sachs-Michaels <[Bsachsmichaels@hfsq.Com](mailto:Bsachsmichaels@hfsq.Com)>; Goldsmith, Andrew E. <[agoldsmith@khhte.com](mailto:agoldsmith@khhte.com)>; Oppenheimer, Bradley E. <[boppenheimer@khhte.com](mailto:boppenheimer@khhte.com)>; Fording, Grace A. <[gfording@khhte.com](mailto:gfording@khhte.com)>; Dan Drosman <[DanD@rgrdlaw.com](mailto:DanD@rgrdlaw.com)>  
**Subject:** RE: American Realty Capital Properties, Inc. Litigation

As we explained during the call, our position is that using limiters, as in the search terms you provided, exclude potentially relevant documents. Once you have had an opportunity to consider our proposed search terms and run some test searches using them, I think it makes sense for us to have another discussion about this issue.

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**From:** Beynon, Rebecca A. [mailto:[rbeynon@khhte.com](mailto:rbeynon@khhte.com)]

**Sent:** Friday, November 04, 2016 12:54 PM

**To:** Debra Wyman

**Cc:** Teresa Holindrake; Robert Rothman; Jessica Shinnefield; Lisa Mix; Karen Cook; Blair Nicholas; Jonathan Uslaner; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels; Andrew Goldsmith; Brad Oppenheimer; Fording, Grace A.; Dan Drosman

**Subject:** Re: American Realty Capital Properties, Inc. Litigation

Thanks, Debra. And just so we understand, is it Plaintiffs' position that they decline to provide terms that would limit the hits to documents that actually relate to ARCP (as opposed to other entities)?

On Nov 4, 2016, at 3:49 PM, Debra Wyman <[DebraW@rgrdlaw.com](mailto:DebraW@rgrdlaw.com)> wrote:

I understand the confusion. That is our shorthand for the case internally.

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**From:** Beynon, Rebecca A. [<mailto:rbeynon@khhte.com>]

**Sent:** Friday, November 04, 2016 12:48 PM

**To:** Debra Wyman

**Cc:** Teresa Holindrake; Robert Rothman; Jessica Shinnefield; Lisa Mix; Karen Cook; Blair Nicholas; Jonathan Uslaner; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels; Andrew Goldsmith; Brad Oppenheimer; Fording, Grace A.; Dan Drosman

**Subject:** Re: American Realty Capital Properties, Inc. Litigation

Dear Debra –

We will review your correspondence. However, as an initial matter, we wanted to check on the attachment. It is identified as search terms for ARCP. Is this the document you intended to direct to us? As we pointed out in our call yesterday, any additional search terms will need to be run using terms that will limit the documents to those that relate to ARCP.

Best regards,

Rebecca

On Nov 4, 2016, at 2:40 PM, Debra Wyman <[DebraW@rgrdlaw.com](mailto:DebraW@rgrdlaw.com)> wrote:

Let's try this again with the attachment included.

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**From:** Debra Wyman

**Sent:** Friday, November 04, 2016 11:09 AM

**To:** Rebecca Beynon

**Cc:** Teresa Holindrake; Robert Rothman; Jessica Shinnefield; Lisa Mix; Karen Cook; Blair Nicholas; Jonathan Uslaner; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels; Andrew Goldsmith; Brad Oppenheimer; Fording, Grace A.; Dan Drosman

**Subject:** RE: American Realty Capital Properties, Inc. Litigation

Rebecca,

Please see attached. Thank you and have a good weekend.

Debra

**Debra J. Wyman**



655 West Broadway, Suite 1900  
San Diego, CA 92101

Tel 619 231 1058 | Fax 619 231 7423



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**From:** Dan Drosman  
**Sent:** Tuesday, November 01, 2016 8:01 AM  
**To:** Beynon, Rebecca A.  
**Cc:** Teresa Holindrake; Debra Wyman; Robert Rothman; Jessica Shinnefield; Lisa Mix; Karen Cook; Blair Nicholas; Jonathan Uslaner; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels; Andrew Goldsmith; Brad Oppenheimer; Fording, Grace A.  
**Subject:** Re: American Realty Capital Properties, Inc. Litigation

Rebecca,

We are available tomorrow (Nov. 2) at 3 pm Eastern for a call. We'll circulate a dial-in number later today.

Best,

Dan

On Nov 1, 2016, at 6:14 AM, Beynon, Rebecca A. <[rbeynon@khhte.com](mailto:rbeynon@khhte.com)> wrote:

Dear Dan:

We are available today (November 1) or tomorrow (November 2) at 2 or 3 pm ET to meet and confer with you. Please let us know what works for you.

Best regards,

Rebecca

On Oct 28, 2016, at 7:27 PM, Teresa Holindrake  
<[rholindrake@rgrdlaw.com](mailto:rholindrake@rgrdlaw.com)> wrote:

Dear Ms. Beynon:

Attached please find a letter addressed to you  
from Mr. Drosman.

Thank you.

**Teresa Holindrake**  
Legal Secretary

[REDACTED]  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Tel 619 231 1058 | Fax 619 231 7423

[REDACTED]

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**From:** Beynon, Rebecca A.  
[<mailto:rbeynon@khhte.com>]  
**Sent:** Thursday, October 27, 2016 8:43 AM  
**To:** Dan Drosman; Debra Wyman; Robert Rothman; Jessica Shinnefield; Lisa Mix; Karen Cook; Blair Nicholas; Jonathan Uslaner; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels; Teresa Holindrake  
**Cc:** Andrew Goldsmith; Brad Oppenheimer; Fording, Grace A.; Antonia M. Apps; Jonathan Ohring  
**Subject:** FW: American Realty Capital Properties, Inc. Litigation

Dear Daniel:

Please see the attached correspondence.

Best regards,

Rebecca

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Rebecca A. Beynon  
Kellogg, Huber, Hansen, Todd,  
Evans & Figel P.L.L.C.  
Sumner Square  
1615 M Street, N.W.  
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Thank you.

**From:** Teresa Holindrake  
<[tholindrake@rgrdlaw.com](mailto:tholindrake@rgrdlaw.com)>  
**Date:** October 14, 2016 at 7:37:55 PM EDT  
**To:** "Antonia M. Apps" <[aapps@milbank.com](mailto:aapps@milbank.com)>, Andrew Goldsmith <[agoldsmith@khhte.com](mailto:agoldsmith@khhte.com)>  
**Cc:** Dan Drozman <[DanD@rgrdlaw.com](mailto:DanD@rgrdlaw.com)>, Debra Wyman <[DebraW@rgrdlaw.com](mailto:DebraW@rgrdlaw.com)>, "Robert Rothman" <[rrothman@rgrdlaw.com](mailto:rrothman@rgrdlaw.com)>, Jessica Shinnefield <[jshinnefield@rgrdlaw.com](mailto:jshinnefield@rgrdlaw.com)>, Lisa Mix <[LMix@rgrdlaw.com](mailto:LMix@rgrdlaw.com)>, Karen Cook <[KarenC@rgrdlaw.com](mailto:KarenC@rgrdlaw.com)>, Blair Nicholas <[Blairn@blbglaw.Com](mailto:Blairn@blbglaw.Com)>, Jonathan Uslaner <[Jonathanu@blbglaw.Com](mailto:Jonathanu@blbglaw.Com)>, David Kaplan <[Davidk@blbglaw.Com](mailto:Davidk@blbglaw.Com)>, Mark Lebovitch <[MarkL@blbglaw.com](mailto:MarkL@blbglaw.com)>, "Lawrence M. Rolnick" <[Lrolnick@lowenstein.Com](mailto:Lrolnick@lowenstein.Com)>, "Marc B. Kramer" <[mkramer@lowenstein.com](mailto:mkramer@lowenstein.com)>,

"Thomas E. Redburn Jr"  
<[tredburn@lowenstein.com](mailto:tredburn@lowenstein.com)>, "Michael J.  
Hampson" <[Mhampson@lowenstein.Com](mailto:Mhampson@lowenstein.Com)>,  
Robert Harwood <[Rharwood@hfesq.Com](mailto:Rharwood@hfesq.Com)>,  
Samuel Rosen <[srosen@hfesq.Com](mailto:srosen@hfesq.Com)>, Benjamin  
Sachs-Michaels <[Bsachsmichaels@hfesq.Com](mailto:Bsachsmichaels@hfesq.Com)>

**Subject: American Realty Capital Properties,  
Inc. Litigation**

Dear Ms. Apps and Mr. Goldsmith:

Attached please find a letter  
addressed to you from Mr.  
Drozman.

Thank you.

**Teresa Holindrake**  
Legal Secretary

[REDACTED]  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Tel 619 231 1058 | Fax 619 231  
7423

[REDACTED]

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<Letter to Rebecca Beynon.pdf>

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<1203834\_1.pdf>

<Pltfs Preliminary Keyword Search Proposal to ARCP.PDF>

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